

## I. Introduction

- A. This document defines the policies relevant to the public's ability to cablecast on the television channels controlled by the Town of Bar Harbor.

## II. Mission Statement

- A. This document articulates the policies governing the public's use of the Town's public access cable television channel (P-channel). These policies govern use of the current Bar Harbor public access channel and any other future public access channels controlled by the Town.

## III. Fulfilling The Mission

- A. The following are deemed necessary to fulfill the mission:
1. Designation of a Public Access Systems Administrator (PASA).
  2. Equipment and facilities required for the distribution of public access programs.
  3. Procedure for cablecasting on public access television.
  4. Policies and technical standards for cablecasting on public access television
  5. Assistance in distributing programs through the Public Access System.
  6. A schedule of public access programming.

## IV. Definitions

**Copyright:** The exclusive legal right to reproduce, publish, sell, or distribute the matter and form of something (as a literary, musical, or artistic work)

**Public Access Systems Administrator (PASA):** The person designated by the Town Manager to administer the operation of the public access channel(s), and who shall ensure compliance with the policies contained in this document.

**Public Access Systems Appeals Committee :** The Bar Harbor Communications Technology Task Force, which has been designated by the Bar Harbor Town Council to handle appeals by those who feel aggrieved by any decision of the Public Access Administrator. The Public Access Systems Administrator must recuse him/herself from consideration of any appeal.

**Producer:** A producer is one who determines the creative elements of programming.

1. If the Producer is an organization, it must act through an agent who is at least 18 years of age and is duly authorized by the organization to legally bind it to the terms of the Channel Use Agreement .
2. The Town of Bar Harbor reserves the right to require any person purporting to be an agent of an organization to present proof that he or she is so authorized.

3. If an individual claims to control the creative elements of programming, but the production is actually controlled by an organization, the organization will be considered to be the Producer, and the individual an agent of that organization. In such case, the organization must provide proof that it meets the qualifications herein to be eligible to use the public access system.

**Local Producer:** A person as defined above, but who in addition is a resident of Bar Harbor or an organization housed in or with an active branch in Bar Harbor.

**Provider:** A person eligible to use the public access system who wishes to distribute a program. A Provider assumes responsibility for a program produced by someone else.

**Use Agreement:** A document which must be submitted to the Public Access Systems Administrator before a person or group may distribute programs on the public access system. The document asks for information which supports the individual's or group's rights to distribute programs on the system.

**Cablecast Agreement:** A document which must be completed and delivered to the Public Access Systems Coordinator for each program or series of programs to be cablecast.

**Pecuniary Interest:** A direct or indirect interest having value of \$100 or more, including but not limited to the ownership of shares of stock.

## **V. Eligibility To Distribute Programs Via Public Access**

A. In order to distribute programs on the public access system, the requesting entity must fulfill the following requirements:

1. Be a resident, property owner, or nonprofit group which is housed or has an active branch in Bar Harbor.
2. Submit proof of eligibility if so requested.
3. Be 18 years of age or sponsored by an eligible adult,.
4. If under 18 years of age, have permission from a parent or guardian to distribute programs on the public access system.
5. Submit a completed and signed Use Agreement to the Public Access Systems Administrator
6. Submit a completed Cablecast Agreement for each program or series of programs to be cablecast.
7. Abide by the policies set forth in other parts of this document.

## **VI. Priority For Local Producers**

A. Persons or groups eligible to distribute programs over the Public Access System may submit materials for cablecasting produced by others who are not eligible to use the system. However, preference will be given to local programs produced by those persons or groups eligible to use the system.

## **VII. Acceptable Programs For The Public Access System**

- A. Public Access Television Productions may be intended for any purpose and may include information, entertainment, or the expression of points of view, without limitation, unless prohibited elsewhere in this document.

## **VIII. Prohibited Programming**

- A. Any program requested to be cablecast may be rejected if, in the opinion of the Public Access System Administrator, it is of poor technical quality or represents content including but not limited to:
  - 1. Lotteries or any advertisements or information concerning lotteries or games of chance;
  - 2. Presentation of advertising materials designed to promote the sale of commercial products or services;
  - 3. Solicitation of funds;
  - 4. Material soliciting or promoting unlawful conduct;
  - 5. Sexually explicit material.
  - 6. Statements, pictures, or sound which violate city, state, or federal laws, including those related to obscenity, defamation, slander, and libel;
  - 7. Violation of the policies or rules set forth by the Town of Bar Harbor for use of its Public Access System.

## **IX. Restricted Programming**

- A. Any Producer or Provider who assumes responsibility for the content of a program is required to inform the Public Access Systems Administrator of any program which contains the use of adult language, images or situations. At the sole discretion of the Public Access Systems Administrator, this material may be cablecast outside of prime time child viewing hours. Such programs would be cablecast between 10:00 p.m. and 6:00 a.m.

## **X. Copyright**

- A. The copyright to the programming created by any producer using the Town of Bar Harbor Public Access System shall be owned by the producer unless surrendered or transferred by the producer.

## **XI. Suspension From Use Of Facilities And Channels**

- A. The Public Access Systems Administrator may suspend further telecasts of any program and any Producer or Provider's further use of the Public Access System if the responsible Producer or Provider, has not complied with these policies. Producers or Providers whose programming violates any rule or law may have their use of the facilities or the telecasting of their programs suspended for not more than 10 days. Upon suspension, the responsible Producer or Provider, shall be given notice to show cause why his or her access to the public access system should not be permanent. Notice shall be sent via first class mail, certified, return receipt requested, at the address

given by the Producer or Provider. Failure to respond within 7 days after receipt of notice, or failure to keep the designated Public Access Systems Administrator apprised of an address at which the Producer or Provider can be reached, automatically causes revocation of access privileges for that Producer, or Provider. Upon receipt of an explanation, the Public Access Systems Administrator may take any of the following actions:

1. Find cause to refuse further access;
  2. Find cause to permit further access, with or without conditions or further assurance;
  3. Find cause to petition the appropriate state authority for a declaratory ruling.
- B. Any Producer or Provider, who is aggrieved by the decision of the Public Access Systems Administrator, may appeal the decision to the Public Access Systems Appeals Committee within 15 days of the mailing of the Public Access Systems Administrator's final decision. All such appeals must be in writing, must state the basis of the appeal, and be accompanied by any supporting documentation and addressed to the Public Access Systems Appeals Committee, Town Office Building, Cottage Street, Bar Harbor ME 04609. Oral appeals are not acceptable.
- C. The Chairman of the Public Access Systems Appeals Committee will distribute the written appeal to members of the Committee. A hearing will be held within 45 days of its receipt by the Public Access Systems Appeals Committee. The person filing the appeal has the right to supplement his or her written appeal with oral testimony at the Committee's meeting. The Public Access Systems Administrator may testify before the Committee. The Public Access Systems Appeals Committee will render a decision within 10 days following the close of the hearing and mail a written copy to the person filing the appeal. However, the Public Access Systems Appeals Committee may extend the time for making its decision by 30 days if it determines additional information is needed.
- D. Any person aggrieved by a decision of the Public Access Systems Appeals Committee may take an appeal to the State Superior Court pursuant to Rule 80B of the Maine Rules of Civil Procedure.

## **XII. Reservation Of Rights To Regulate Operations**

- A. The Town of Bar Harbor reserves the right to waive any self-imposed regulation when such a waiver is determined by the Town Council to be in the public interest. Unless specifically waived, any violation of laws, these rules or any other written policies of the Town of Bar Harbor, may cause The Town of Bar Harbor to withhold the use of its Public Access System. All Producers and Providers should be aware that they will be held accountable for their actions by law and these regulations.
- B. These policies shall be subject to periodic revision and change, without notice, upon approval by the Town Council of the Town of Bar Harbor.

### **XIII. Rules Regarding Programming**

- A. Proof of residency must be presented to the Public Access Systems Administrator. Such proof may include a current Maine driver's license or a recent utility bill.
- B. Everyone making a first time submission of programming to the Public Access Systems Administrator must complete a Use Agreement. The Use Agreement is available on-line and at the Office of the Town Clerk. The application must be completed and reviewed by the Public Access Systems Administrator prior to any programs being cablecast.
- C. When a program is ready to be cablecast, the Producer or Provider must fill out and sign a Cablecast Agreement. The tape or other media may be checked for adherence to technical and content standards. The Cablecast Agreement and program media must be submitted no later than three weeks in advance of the requested playback date
- D. Air times for individual programs are available on a first-come, first- served basis. The Public Access Systems Administrator will make every effort to fit Producer/Provider needs for specific play dates and times. Programs which are part of a series will have priority.
- E. In order to provide as full a cablecast schedule as possible, programs may be aired at time slots in addition to those requested.
- F. Series scheduling may be requested. A series may not be scheduled for more than one year in duration. A program for a series should be in the hands of the Public Access Systems Administrator at least ten working days prior to the scheduled air date. If more than two (2) programs are not ready on time, the series may be canceled at the discretion of the Public Access Systems Administrator.
- G. The Town of Bar Harbor is not responsible for any program media left in its possession.
- H. If a program contains material which requires appropriate rights from broadcast stations, network sponsors, music licensing organizations, performers, representatives, copyright holders and any other persons as may be necessary for cablecast, written proof must be provided that these rights have been granted. Evidence must be presented to the Public Access Systems Administrator that copyrighted materials have been cleared for cablecasting.
- I. The Town of Bar Harbor reserves the right to employ viewer warnings and to schedule programs to reduce viewer problems. At the discretion of the Public Access Systems Administrator, programs may be required to:
  - 1. Contain a program disclaimer/warning at the beginning of the program;
  - 2. Have a warning listed in a program schedule;
  - 3. Be cablecast at a time when children are least likely to be viewing.

#### **XIV. Technical Standards**

- A. Programming media must accompany Cablecast Agreements and be on a format supported by the Town of Bar Harbor's Public Access System. A list of currently supported formats and technical specifications is available from the PSA.
- B. The program should be broadcast quality
- C. All audio must not exceed 0 VU except for brief peaks in the audio track.
- D. All media should have a slate containing name of producer and/or provider, program title, and program length, followed by 60-seconds of color bars and 0 VU tone, followed by a countdown, followed by the program material.
- E. All programs should have titles and credits recorded from either a character generator or from lettered camera cards. The minimum title and credit consists of the name of the program within the first five minutes of the program and the name of the program's producer(s) and local sponsor at the end of the program.
- F. All programs must have a minimum of thirty (30) seconds of black recorded after the last program video.
- G. Programs should contain no broken control tracks or tracking errors, and there should not be low audio/video levels or video breakup within the program.
- H. All program media should be clearly labeled on both the media and on any carrying cases holding or protecting the media. Labels should contain the following information: the program title, producer, provider, date of program completion, and program length.

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#### **LEGISLATIVE HISTORY**

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|----------|---------------------------|
| 9-17-05  | Chuck Herrick             |
| 10-16-06 | CTTF                      |
| 10-21-06 | Valerie Scott             |
| 12-17-06 | Chuck Herrick             |
| 12-18-06 | CTTF                      |
| 1-22-07  | CTTF                      |
| 12-14-07 | Town Manager              |
| 12-18-07 | Policy adopted by Council |